

Judiciary Committee

HB 1913

Title: An act relating to process servers.

Brief Description: Changing provisions relating to process servers.

Sponsors: Representatives Warnick, Flannigan and Simpson.

Brief Summary of Bill

- Requires that registered process servers be Washington residents at least 18 years of age or older.
- Permits the Department of Licensing to furnish lists of registered and legal motor vehicle owners to process servers.

Hearing Date: 2/9/09

Staff: Courtney Barnes (786-7194)

Background:

Process Servers

A person who serves legal process for a fee must be registered with the auditor of the county in which the process server resides or operates his or her principal place of business. Persons exempt from the registration requirement are: (a) sheriffs and other government employees acting in the course of employment; (b) attorneys or the attorney's employees, who are not serving process on a fee basis; (c) persons who are court appointed to serve the court's process; (d) employees of a registered server; and (e) persons who do not receive a fee or wage for serving process.

Lists of Registered and Legal Owners of Motor Vehicles

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Licensing (DOL) may furnish lists of registered and legal motor vehicle owners to the following entities for specified purposes:

- motor vehicle manufacturers, for safety recalls;
- United States and Canadian governmental agencies, for use in the enforcement of vehicle or traffic laws;
- commercial parking companies, to notify owners of outstanding parking violations;
- agents of the DOL, to provide certain information to motor vehicle dealers;
- businesses making loans for the purchase of motor vehicles, to assist in determining whether to provide financing; and
- toll facilities, to identify toll violators.

The DOL may also release the name and address of an individual vehicle owner if the requesting party is a business entity that has entered into a disclosure agreement with the DOL and the entity requests the information for use in the course of business.

When both a mailing address and residential address are listed in a vehicle record and are different, only the mailing address is disclosed by the DOL. Both addresses may be disclosed in response to requests from courts, law enforcement agencies, or governmental entities with enforcement, investigative, or taxing authority. Information released by the DOL is only for use in the normal course of conducting business. If such a list is used for an unauthorized purpose, the entity using the list is prohibited from further access to lists furnished by the DOL.

Summary of Bill:

Process Servers

The following criteria are added for persons who serve legal process for a fee: (1) the person must be a Washington resident; and (2) the person must be at least 18 years of age or older.

Lists of Registered and Legal Owners of Motor Vehicles

The DOL may release lists of registered and legal owners of motor vehicles to process servers registered with a county auditor. When both a mailing address and residential address are listed in a vehicle record, the DOL is authorized to disclose both addresses to a process server for use in the normal course of conducting business. If such a list is used for an unauthorized purpose, the process server using the list is prohibited from further access to lists furnished by the DOL.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.